

Superseded 5/10/2016

61-1-21 Penalties for violations.

- (1) A person is guilty of a third degree felony who willfully violates:
 - (a) a provision of this chapter except Sections 61-1-1 and 61-1-16;
 - (b) an order issued under this chapter; or
 - (c) Section 61-1-16 knowing the statement made is false or misleading in a material respect.
- (2) Subject to the other provisions of this section, a person who willfully violates Section 61-1-1:
 - (a) is guilty of a third degree felony if, at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; or
 - (b) is guilty of a second degree felony if, at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more.
- (3) A person who willfully violates Section 61-1-1 is guilty of a second degree felony if:
 - (a) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and
 - (b) in connection with that violation, the violator knowingly accepted any money representing:
 - (i) equity in a person's primary residence;
 - (ii) a withdrawal from an individual retirement account;
 - (iii) a withdrawal from a qualified retirement plan as defined in the Internal Revenue Code;
 - (iv) an investment by a person over whom the violator exercises undue influence; or
 - (v) an investment by a person that the violator knows is a vulnerable adult.
- (4) A person who willfully violates Section 61-1-1 is guilty of a second degree felony punishable by imprisonment for an indeterminate term of not less than three years or more than 15 years if:
 - (a) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; and
 - (b) in connection with that violation, the violator knowingly accepted any money representing:
 - (i) equity in a person's primary residence;
 - (ii) a withdrawal from an individual retirement account;
 - (iii) a withdrawal from a qualified retirement plan as defined in the Internal Revenue Code;
 - (iv) an investment by a person over whom the violator exercises undue influence; or
 - (v) an investment by a person that the violator knows is a vulnerable adult.
- (5) It is an affirmative defense under this section against a claim that the person violated an order issued under this chapter for the person to prove that the person had no knowledge of the order.
- (6) In addition to any other penalty for a criminal violation of this chapter, the sentencing judge may impose a penalty or remedy provided for in Subsection 61-1-20(2)(b).